



SUMMARY OF PARENT REPRESENTATION MODELS

Quality representation and due process for all parties in the child welfare system are essential but not always achieved. Poor parent representation exacts huge costs for families and the state. Families can be unnecessarily separated for extended periods of time, if not permanently. The state has to provide foster care support payments, caseworker and court time, and resources to children and families, who may not have needed to be separated in the first place, or who could have been reunited sooner and more safely, had the parents had an effective voice in the process. A national consensus is emerging that quality legal representation for parents is necessary to ensure the most appropriate outcomes for families and children involved in the child welfare system.

This information sheet summarizes a small number of parent representation models used in various states across the country. **This information sheet is not intended to be a complete summary of all parent representation programs or all parent representation programs that are working well for families.** Rather, this information sheet provides a snapshot of what different jurisdictions are doing to provide quality representation to parents and/or to improve representation for parents. If you want more information or are interested in replicating any of the programs described in this document, we have included a website address (when available) for the programs described. **If you think that your jurisdiction's parent representation model should be added to the summary, please contact Liz Thornton at thorntoe@staff.abanet.org.**

This summary describes different types of representation models, including:

- institutional parent representation organizations – offices with a full time staff of attorneys, social workers, peer parent advocates, and investigators;
- contract or panel systems of representation – a panel of contract attorneys who have education requirements, mandated practice standards, resources for social workers, investigators and experts, and compensation for out-of-court work; and
- hybrid state or county parent representation offices and contract/panel systems – a panel or list of contract attorneys who handle the majority of the parent representation and a state or county office with a full time staff who may handle some direct parent representation, oversee admission onto the panel, provide and oversee attorney education, and administer an attorney review process.

The focus of the summary is on parent representation programs. Programs that provide representation to children are also discussed as examples of models of statewide programs that can be followed for parents' attorneys.

ARKANSAS

In August of 2001, the Arkansas Legislature established a state-sponsored program for the appointment and payment of attorneys to represent indigent parents in child welfare cases. The Act provided that the Arkansas Supreme Court adopt qualifications and standards of practice for parents' attorneys and appropriated funding to pay for the attorneys' representation. Prior to accepting an appointment to represent parents, attorneys are required to complete 10 hours of initial training related to child welfare practice and they must participate in a mentorship program with an attorney experienced in child welfare cases. They must complete 4 additional hours of training specific to child welfare practice each year to remain qualified for appointment. The Supreme Court of Arkansas also implemented standards of practice for parents' attorneys, requiring that the attorneys review all relevant documents, perform investigations, meet with clients prior to hearings, explain each step in the case and the clients' rights, appear at all hearings and present evidence when necessary, advocate for appropriate services and monitor implementation of the case plan, and file all appropriate pleadings. Prior to implementation of the state program, it was common for counsel for parents to be appointed at the termination of

parental rights hearing, but not sooner. The state sponsored program provides that attorneys for parents are appointed at the time of the emergency ex-parte order, or when the dependency petition is filed. In October 2007, the state converted from a court appointed system to a state contract system with attorneys to represent indigent parents in all stages of abuse and neglect proceedings. Each Judicial District has trained and experienced attorneys responsible for handling these cases when the case is initiated. The state also contracts with additional attorneys to cover conflict cases with approval of the state Parent Counsel Coordinator.

Impetus for the Arkansas reforms came from a 1997 Court Improvement Project funded assessment and report on the state of representation for children and parents in Arkansas. The assessment found that there were serious deficiencies in Arkansas' system of representation in child welfare proceedings – many parents and children were not appointed counsel in a timely manner and when they were provided with counsel the representation was inadequate. The assessment and report traced the problems with representation to the county based system of funding representation in child welfare cases. Funding for Arkansas's 2001 reforms to a state-sponsored program for the appointment and payment of attorneys in child welfare cases was provided in part by a \$25 increase in court costs for civil cases.

Arkansas Judiciary Parent Counsel Program website:

http://courts.state.ar.us/juvenile/parent_counsel.cfm

CALIFORNIA

The California Dependency Representation, Administration, Funding and Training Program (“DRAFT”) was established as a pilot program in 2004 to test caseload standards for attorneys representing parents and children in juvenile dependency cases, identify uniform rate and compensation structures for those attorneys appointed in dependency cases, and determine the implementation costs and practice improvements associated with caseload standards and uniform rate and compensation structures. The DRAFT Program includes the following components:

- attorney caseload standards of 188-200 clients per attorney (this caseload level assumes a half-time social worker/investigator per full-time attorney);
- regional compensation standards;
- attorney performance standards;

- attorney reporting requirements regarding time spent on in-court and out-of-court activities;
- training and technical assistance for attorneys; and
- outcome evaluations, including attorney evaluations completed by judges, peers and clients and permanency evaluations using reunification, guardianship and placement data.

The DRAFT Program began implementation in July of 2004 working with 10 volunteer counties. Representation models vary in each county, and include private firms, government agencies, solo practitioners and non-profit organizations. Program evaluation results as of October 2008 show the following improvements in DRAFT counties:

- increased rate of reunification within 12 and 24 months of entry;
- increased rate of siblings placed together, when siblings are placed in foster care; and
- increased rate of children placed with relatives, rather than foster care.

Although budget restrictions have prohibited both lower case load standards and the implementation of the current caseload standards in all of the DRAFT counties, the overall success of the pilot resulted in programmatic expansion in July 2008, doubling the program to 20 counties.

DRAFT Program website:

<http://www.courtinfo.ca.gov/programs/cfcc/programs/description/DRAFT.htm>

Two DRAFT county, non-profit institutional representation offices are described here:

Dependency Advocacy Center provides representation to parents in Santa Clara County dependency court. The office employs a team of lawyers and social workers experienced in juvenile dependency work and mentor moms and dads (parents who have been through the dependency system themselves and reunited with their children and have been sober for at least five years). Investigators are also available to work with the attorneys and clients. The Dependency Advocacy Center also significantly increased pay for attorneys (average pay is \$85,000 per year) in an effort to reduce turn-over and monitors lawyers' competency through peer, client and judicial officer reviews. Attorneys are provided with regular training and are

subject to evaluations by peers, clients and judges. Attorneys are appointed to represent clients at the first calling of the case.

Los Angeles Dependency Lawyers, Inc. (“LADL”) provides representation to parents in Los Angeles County dependency court. Los Angeles County has the largest dependency system in the nation, with the most children in care. LADL provides representation to 97% to 98% of the parents in Los Angeles County who are involved with the child welfare system. LADL has a staff of attorneys, social workers and investigators (social workers and investigators are available on those cases where they are needed). Attorneys are provided with regular training and are subject to evaluations by peers, clients and judges. Attorneys are appointed to represent clients at the first calling of the case.

LADL website: <http://www.ladlinc.org/>

Throughout California, the county’s juvenile court, through its Presiding Juvenile Court judge, chooses the representation model for court appointed counsel. Given the county-based nature of representation, the models used vary throughout California’s 58 counties. Regardless of the representational model, California Rules of Court require a minimal level of training to qualify to accept a court-appointed case, and court systems are encouraged to develop a system of accountability and supervision to ensure quality.

An example of a non-DRAFT county representation model is described here:

The Bar Association of San Francisco, Dependency Representation Program (“BASF”) contracts with the court to provide representation to parents involved in the child welfare system in San Francisco. BASF maintains a referral panel of attorneys to which individual attorneys must apply and qualify for with BASF. Applications are reviewed by the Qualification Subcommittee of BASF to determine whether attorneys qualify for admission to the panel based on their experience or whether they must complete a mentorship program with a senior panel attorney. The mentorship program can take up to six months to complete. The court has established strict practice standards and court rules for parent representation. Attorneys are required to complete 10 hours of training in child welfare practice each year to remain on the panel. Attorneys are paid a fair hourly rate (\$98/hour) and are compensated for out-of-court time. Attorneys are expected

to spend out-of-court time working with their parent-clients to help them prepare for court, work with the agency, and engage in services. Attorneys are appointed to represent clients at the first calling of the dependency case. Funding for appointment of private social workers, investigators and experts is available to attorneys as needed on cases.

BASF Dependency Representation Program website:

<http://www.sfbar.org/lawyerreferrals/att-drp.aspx>

CONNECTICUT

The Commission on Child Protection (“COCP”) oversees the representation of parents and children in dependency proceedings throughout Connecticut with the goals of: ensuring fair compensation for attorneys; ensuring attorneys have support staff such as social workers; organizing substantive training; working to reduce high case loads; and acting as a liaison between the public agency over systemic issues. With a small full-time staff, the office has achieved remarkable improvements in child welfare representation. COCP contracts with private attorneys and private firms to provide representation to parents and children involved in the child welfare system. COCP establishes stringent training standards for attorneys, requiring attorneys participate in three training days before taking a case-appointment, three CLE classes after approval for the panel and three of five bi-monthly trainings offered throughout the year. New contract attorneys also must participate in a mentor program with an attorney experienced in child welfare law. The mentor program requires newer attorneys to attend regular meetings with mentors, observe hearings, and act as co-counsel with a mentor for at least two cases. Attorneys are expected to follow Standards of Practice for Lawyers Representing Parents in Child Protection Cases (adopted from the ABA Parent Representation Standards) and are expected to work with their clients both in-court and out-of-court. Attorney performance is reviewed by COCP.

COCP website: <http://www.ct.gov/CCPA/cwp/view.asp?a=2587&q=315048>

DISTRICT OF COLUMBIA

The Counsel for Child Abuse and Neglect (“CCAN”) Office is a branch of the Family Court of the District of Columbia Superior Court. The CCAN Office maintains a list of qualified attorneys

who are available for appointment in child abuse and neglect cases. The office also processes the orders appointing counsel in both new and ongoing cases. The CCAN Office provides initial and ongoing training to attorneys who represent children, parents, and caretakers in child abuse and neglect cases. The Office screens adult parties for financial eligibility for court appointed attorneys and assists attorneys who have legal and social work questions regarding child abuse and neglect cases.

The CCAN Office staff consists of a Branch Chief, who is an attorney, a social worker, and three deputy clerks. The clerical staff handles case assignment processing, financial eligibility, and inquiries. The Branch Chief and social worker provide training and support to court appointed attorneys in child abuse and neglect cases. In addition, the CCAN Office distributes a monthly newsletter with legal, training, and social work updates for attorneys.

The Superior Court has adopted Practice Standards which regulate the performance of attorneys practicing in child welfare cases.

CCAN website: <http://www.dccourts.gov/dccourts/superior/family/ccan.jsp>

ILLINOIS

The Legal Assistance Foundation of Metropolitan Chicago (“LAF”) in Chicago, Illinois represents families with children in the child welfare system. LAF represents parents, relative caregivers, and foster parents. They handle cases at all stages – during the child protective services investigation through the juvenile court hearings. LAF receives cases through referrals, which typically come from LAF attorneys handling non-child welfare cases in LAF neighborhood offices, prior clients, and agency caseworkers. LAF employs a team model of representation – clients work with LAF attorneys, law students and a social worker. The office employs a staff of one supervising attorney, three staff attorneys and one social worker for the LAF agency. LAF spends a significant amount of attorney and social worker time working with parents outside of court. LAF is funded through the Legal Services Corporation and through private grants.

LAF website: <http://www.lafchicago.org/content/view/74/88/>

The Family Defense Center (“FDC”) in Chicago, Illinois provides representation to parents before their case gets to dependency court – they represent clients during the child protective services investigation and with appeals related to clients’ placement on the child abuse registry. FDC typically does not represent clients after a child protective services petition is filed. FDC is a legal office with a staff of three full time attorneys. Advocacy focuses on helping parents and families through the child protective services investigation process (making sure clients know their rights) and making sure that the child protective services investigators know that the families they are investigating have rights and that the law is followed. FDC has successfully prevented the filing of dependency petitions in a number of their cases. FDC has provided training to approximately fifty pro-bono attorneys working at large law firms in the Chicago area. The pro-bono attorneys represent some FDC clients, under the supervision of FDC staff, through the administrative appeals process to have their names removed from the child abuse registry. FDC has been in operation since 2007 and last year served over 400 clients who mostly heard of them through word-of-mouth. FDC is completely privately funded.

FDC website: <http://www.familydefensecenter.net/>

MASSACHUSETTS

In Massachusetts, the Committee for Public Counsel Services (“CPCS”), a state agency, is responsible for providing legal services to the indigent in civil and criminal matters. The Children and Family Law (“CAFL”) Division of CPCS oversees all court-appointed child welfare attorneys. This is a hybrid model of representation. Approximately 90% of dependency cases are handled by a panel of specially qualified private attorneys overseen by CAFL. Staff attorneys in seven offices handle the remaining 10% of the cases. To be eligible for the private attorney panel, attorneys must apply to CAFL. If initially selected by CAFL, attorneys must then participate in: (1) three days of substantive child welfare training; (2) a half-day training on extraordinary medical/anti-psychotic medication issues for children; and (3) two days of trial skills training specially tailored to child welfare cases. Attorneys who satisfactorily complete the trainings and are eligible to be on the panel must also work with a mentor attorney for at least 18 months. The mentor attorney advises the newer attorney on cases, observes trial skills, and recommends to CAFL if the attorney is ready to work independently. Attorneys are compensated at the same rate for both in-court and out-of-court work and cannot have more than

100 open cases. Attorneys can hire social workers and investigators to assist them with their cases. CAFL oversees attorneys for both children and indigent parents, and all private panel and staff attorneys have a mixed caseload. Attorneys are appointed for children immediately upon the filing of a “care and protection” case; attorneys for parents are appointed upon a determination of indigence. CPCS private panel attorneys and staff are funded annually in separate legislative line items. Attorneys are compensated at the same rate for representing parents and children.

CPCS website: http://www.publiccounsel.net/Practice_Areas/cafl_pages/civil_cafl_index.html

MICHIGAN

In May 2009, the Detroit Center for Family Advocacy (“CFA”) in Detroit, Michigan, opened and began providing legal advocacy and social work services to low-income families to prevent the unnecessary placement and prolonged stay of children in foster care. CFA uses an interdisciplinary model of representation and provides clients with a team of lawyer, social worker and parent advocate. CFA only accepts cases connected with the Osborn neighborhood of Detroit, which has one of the highest rates of removal in the state. CFA focuses on giving families at risk of becoming involved in the child welfare system or already involved in the child welfare system, the tools necessary to protect their families and focuses on legal mechanisms and services (guardianship, child custody orders, personal protection orders, education advocacy) to prevent out-of-home placement. CFA is referred cases by the Michigan Department of Human Services. CFA is funded by a combination of county support, foundation support, and private donors.

CFA website: <http://www.law.umich.edu/centersandprograms/ccl/cfa/Pages/default.aspx>

Michigan’s State Court Administrative Office offers regular monthly training in child welfare law to attorneys, judges, and court staff. Topics range from sharing best practices, to minority overrepresentation in the child welfare system, to trainings specifically tailored to parent representation. In addition, the State Court Administrative Office will be hosting a symposium in October 2009 specifically addressing the state of parent representation in Michigan. The symposium will include an opening address from Judge Leonard Edwards who developed one of the first unified family courts in the nation and one of the first collaborative drug courts. Judge

Edwards will discuss the judge's role in assuring that parents receive good legal representation. The American Bar Association Center on Children and the Law will present their report assessing Michigan's parent representation and experts from across the country will present about model parent representation programs. Symposium attendees will have time to meet and discuss what steps Michigan can take to improve representation for their families involved in the child welfare system.

NEW JERSEY

In New Jersey, the Office of Parental Representation ("OPR"), a unit of the New Jersey Office of the Public Defender, is appointed to represent parents in both pre-termination and termination hearings as prescribed by statute. OPR provides representation through staff attorneys housed in six regional offices and through a pool of attorneys contracted by OPR to provide representation. OPR provides mandatory child welfare trainings to contract attorneys. OPR attorneys work with support staff and parent advocates to provide representation to clients. OPR parent advocates work with the attorneys and parents to identify services for parents and assist them with accessing services and to provide traditional investigative services.

OPR website: http://www.nj.gov/defender/div_opr.shtml

Legal Services of New Jersey, Family Representation Project ("FRP") also provides representation to parents in child welfare cases in New Jersey. FRP defends parents in pre-termination cases and also represents parents in administrative appeals and termination proceedings. FRP also represents relatives in kinship legal guardianships. There are currently six attorneys working with FRP in the separate Legal Services regional offices, not including the main Legal Services of New Jersey office. Legal Services of New Jersey also has social workers on staff who assist attorneys with their parent representation. FRP works closely with OPR (described above) sharing resources and information and has recently joined as amicus on several of OPR's cases before the New Jersey Supreme Court.

FRP website: <http://www.lsnj.org/represent.htm#assigned>

NEW YORK

Center for Family Representation, Inc., (“CFR”) in New York, New York provides high-quality comprehensive representation to parents involved in the child welfare system. CFR employs an institutional model of representation and has a salaried staff of experienced and dedicated attorneys, social workers and parent advocates. CFR's operating revenue is derived from government contracts for parent representation and support from private foundations, corporations, and individuals.

- CFR provides each parent-client with a Community Advocacy Team consisting of an attorney, a social worker and a parent advocate (a parent who has directly experienced the child protective and foster care systems and has successfully reunified with his/her child.)
- From 2004-2006 CFR provided representation to families, beginning at the pre- and post-investigation stage of the case. In cases where CFR began working with families during the child protection investigation, they prevented foster care for 95% of their cases. In the cases where their team began working with the family after a dependency petition has been filed and a child placed in care, they achieved an average length of foster care of 4.5 months -- compared to a statewide average of more than four years.
- From 2007 – 2008 CFR’s representation expanded to 600 families and representation began at the time of the child protection investigation. In 50% of CFR’s cases, children never enter foster care, but instead stay at home with the services needed to help them stay safe and thrive. Children of parents represented by CFR spend, on average, 73% less time in foster care than other children in the city and state.

CFR website: <http://www.cfrny.org/>

The Bronx Defenders in the Bronx, New York also provides high-quality comprehensive representation to parents involved in the child welfare system. The Bronx Defenders, like CFR, employs an institutional model of representation and has a salaried staff of lawyers, investigators, social workers and parent advocates. The Bronx Defenders began their family

defense practice in 2003. They started with representing Bronx Defenders' criminal clients who had concurrent Family Court cases. Every parent was paired with an interdisciplinary team of lawyers, social workers, and parent advocates. The Bronx Defender's representation model is to advocate for parents in court and out of court. The interdisciplinary team works to develop comprehensive service plans ensuring that meaningful services are in place to provide the parents with critical supports. In 2007, Bronx Defenders was selected by the City of New York to expand their successful interdisciplinary team model and became the first institutional provider of parent representation in the Bronx Family Court. Bronx Defenders now represent over half of all Bronx parents accused of neglect or abuse each year. The representation begins whether their case is before a judge in Family Court or under investigation by the New York child welfare agency.

Bronx Defenders website:

http://www.bronxdefenders.org/?page=content¶m=family_defense

Legal Services NYC, Brooklyn Family Defense Project ("BFDP") in Brooklyn, New York provides parent representation to 800 low-income families in Brooklyn Family Court each year. BFDP employs a team model of representation. Clients work with an attorney, a social worker, a paralegal and a parent advocate. BFDP also collaborates with NYU School of Law's Family Defense Clinic and the Hunter School of Social Work to provide comprehensive representation to clients. BFDP represents parents in court and works with clients out of court – their mission is to provide high quality representation to protect parents' due process rights while promoting access to the services necessary to build safe and stable families. BFDP staff also advocate for systemic change in the way the child welfare system treats parents and responds to families' needs.

BFDP website:

http://www.legalservicesnyc.org/index.php?option=com_content&task=view&id=89&Itemid=129

NORTH CAROLINA

In North Carolina, the Office of Indigent Defense Services ("IDS") oversees legal representation of indigent persons in North Carolina. To ensure that indigent defendants in North Carolina receive high quality legal representation, IDS develops specialized training programs and

resources for attorneys, sets payment rates for attorneys, and sets comprehensive and strict performance guidelines for attorneys. Further, IDS has expanded the number of public defender offices and implemented a Model Appointment Plan for counties without a public defender office.

IDS has a special office that oversees and supports attorneys representing parents involved in the child welfare system - the Office of Parent Representation. The Office of Parent Representation provides training to trial and appellate attorneys representing parents, consulting services (attorneys can call and discuss cases with an attorney experienced in child welfare law), and information sharing resources (a listserv for attorneys, brief bank, forms bank and case law updates). The comprehensive training available to attorneys representing parents is provided by state and national experts on child welfare law.

A parent respondent is appointed counsel upon the filing of the petition by a county department of social services. The trial attorneys appointed are assistant public defenders, contract attorneys or attorneys who have met the qualifications to be on the appointment list for child welfare cases. Appellate attorneys are appointed from a roster managed by the Office of Parent Representation.

IDS Office of Parent Representation website:

<http://www.ncids.org/Parent%20Representation/ParentRepHomePage.htm>

NORTH DAKOTA

The Commission on Legal Counsel for Indigents (“LCI”) oversees all indigent defense in North Dakota, including parent representation in child welfare cases. There are six public defender offices in the state and the remaining defense services are provided by attorneys who have contracted with LCI to provide representation to indigent clients, including parents. LCI was established by the legislature to be an executive branch state agency overseeing legal services to indigent clients. Prior to LCI, judges assigned cases to counsel and monitored contracts for counsel. LCI was established as an independent body to separate the judiciary from the delivery of indigent services and avoid the appearance of conflict. LCI sets state-wide eligibility, compensation, training and practice standards for attorneys representing parents in child welfare cases.

LCI website: <http://www.nd.gov/indigents/standards/>

PENNSYLVANIA

Community Legal Services, Inc., (“CLS”) in Philadelphia, Pennsylvania provides dependency representation to many, but not all parents in Philadelphia. CLS is a legal services organization representing clients in various civil matters. CLS’s Family Advocacy Unit has been representing families in dependency court for over 25 years. Where possible, CLS’s Family Advocacy Unit represents families both in the investigation stage of the case (before a dependency petition has been filed) and throughout the dependency case (after a dependency petition has been filed and/or a parent’s child has been removed from the home).

CLS’s Family Advocacy Unit is an institutional model of representation, employing a staff of attorneys, social workers and paralegals who receive significant training and supervision. Most CLS FAU clients are assisted by a team of a lawyer and a paralegal or social worker, so that the client has the benefit of intensive legal and social work assistance. Additionally, since CLS houses different legal units with each proficient in a different area of law, CLS’s Family Advocacy Unit clients often benefit from legal assistance from the other CLS units in resolving important collateral issues that arise in their cases. For example, CLS Family Advocacy Unit clients often benefit from in-house expertise in dealing with problems such as evictions, utility shut-offs, denied or delayed public benefits, or medical insurance issues.

The CLS director and staff also are actively engaged in systemic reform efforts in the Philadelphia child welfare system, and conduct substantive trainings and community education sessions for child welfare professionals, agencies and parents.

CLS website: <http://www.clsphila.org/Content.aspx?id=179>

Juvenile Court Project (“JCP”) in Pittsburg, Pennsylvania provides representation to parents in dependency cases in Allegheny County. JCP is administered by the Allegheny County Bar Foundation, a subsidiary of the Allegheny County Bar Association. JCP has a staff of full-time attorneys, support staff, and social work specialists referred to as parental support advocates. JCP represents parents in dependency proceedings, termination of parental rights hearings, and Childline (child abuse registry) appeals for existing JCP clients. JCP employs a community liaison and promotes community awareness of its services through law clinics established at

local jails, homeless shelters and drug treatment centers. JCP also provides legal trainings for the child welfare community.

JCP website: <http://www.acbfparentadvocates.org/index.html>

TEXAS

An Office of Parental Representation (“OPR”) was recently established in Travis County, Texas. This public defender type law office is a branch of the Travis County government and was created to help provide consistent and quality legal representation to custodial parents in child welfare cases. The office employs four full time staff attorneys who specialize in child welfare cases and four full time support staff – including a social worker. The office will also have available social work students supervised by a clinical professor of social work from the University of Texas to work with clients, as needed. The office is eventually expected to handle a caseload of approximately 400 cases so attorneys should not have more than 100 cases each. Prior to the establishment of OPR, all Travis County parent representation was handled by private, independent attorneys appointed from a rotation list. That list now remains in existence to allow OPR to grow gradually in size as well as to handle cases for non-custodial parents, conflict cases, and overflow appointments when OPR reaches capacity. The office took its first case in May 2009. The Supreme Court of Texas’ Permanent Judicial Commission on Children, Youth and Families provided Travis County with a Court Improvement Grant of \$300,000 for the first year of operation of OPR to help absorb some start-up costs and facilitate the transition from a private appointment system to a county law office. Travis County is expected to continue seeking grant dollars over the next couple of years to help absorb the transitional costs and is eventually expected to fund this office entirely with civil indigent defense funds.

WASHINGTON

The mission of the Washington State Office of Public Defense (“OPD”) is to implement the constitutional and statutory guarantees of counsel and to ensure the effective and efficient delivery of indigent defense services funded by the state. The OPD parent representation program provides state funded attorney representation and case support services to indigent parents, custodians and legal guardians involved in child dependency system. The program operates in 25 of Washington's 39 counties.

- Key elements of the OPD parent representation program include: the implementation of case load limits and professional attorney standards; access to expert services and independent social workers; OPD oversight of attorneys; and ongoing training and support.
- The OPD pilot-project for parent representation began in 2000 in two distinct regions, Benton-Franklin (rural) and Pierce (urban) counties.
- For Benton-Franklin county (rural) OPD entered into part-time contracts with private, attorneys under the direct supervision of OPD. These part-time pilot attorneys had partial case loads and the assistance of support staff.
- In Pierce county (urban) OPD contracted with the public defender's office, who provided full time attorneys to represent parents. As part of the program the public defender's office hired additional attorneys to reduce caseloads and additional support staff, including social workers. Attorneys for both pilot programs had access to the services of expert evaluators for their cases.
- 2003 program evaluation results (both pilot program counties included): increased compliance with statutory time frames for hearings; decreased time spent in non-relative foster care; increased reunification, leading to reunification as the outcome in the majority of cases working with the pilot program attorneys; decreased number of children "aging out" of the foster care system.
- The Washington State Legislature has continuously funded the OPD program since 2000. Because of OPD's demonstrated success, the Legislature provided additional funding to expand the program in 2005, 2006 and 2007.

OPD website: <http://www.opd.wa.gov/>

VERMONT

The Vermont Parent Representation Center, Inc., (“VPRC”) a not for profit, public interest law and policy organization, is in its start-up stage. Its mission is to represent parents in child welfare cases initiated by the state to prevent children from entering state custody; reducing the time in custody and reducing the re-entry rate after children are reunified with their parents. The importance of the not for profit, self standing organization is to provide leadership and a voice for parents at the state level where policy decisions are made, to identify and use performance measures to improve performance, and to provide supervision and oversight for the staff. VPRC will use the Community Advocacy Team (“CAT”) model (attorney, social worker and parent advocate working as a team) based on the Center for Family Representation in New York. Center for Family Representation staff will train VPRC staff. The CAT model, now implemented in a large urban area, will be implemented and tested in Vermont's rural environment. Case outcomes will be measured to determine the effectiveness of the representation model.

STATES TAKING STEPS TO IMPROVE PARENT REPRESENTATION

As stated at the beginning of this summary, a national consensus is emerging that quality parent representation is necessary to ensure the most appropriate outcomes for families and children involved in the child welfare system. Below is a brief summary of some of the steps other states are beginning to take to improve their parent representation.

ALABAMA

The Alabama Court Improvement Project met with the Administrative Office of the Courts in Alabama to discuss improving parent representation. A bill was drafted to create both the Alabama Indigent Defense Commission as an independent agency of the judicial branch to ensure that children and parents are adequately represented in dependency cases and an indigent defense office with a director and support staff. The Bill also called for increased pay for attorneys. The bill was introduced in the 2009 regular legislative session, but did not pass. In August 2009, the Alabama Court Improvement Project held a statewide conference for attorneys representing parents in child welfare cases.

COLORADO

In 2005, the Colorado Supreme Court through the Colorado Court Improvement Program created the Respondent Parents' Counsel Task Force ("RPC Task Force") a group of child welfare professionals, to review the issues facing parents' counsel and to make recommendations to the Supreme Court and the Colorado Legislature. The RPC Task Force structured its efforts into four main areas: (1) advocacy for parents' attorney resources; (2) training for parents' attorneys; (3) researching and defining structural outcomes for administration of parents' attorney resources; and (4) guidelines and practice standards. Equitable resources for parents' attorneys was identified as a key part of reform efforts.

To assist in identifying needs of attorneys, areas in need of improvement and baseline data for potential reform efforts, the RPC Task Force commissioned an assessment of parents' attorneys. This assessment, performed by the National Center for State Courts, National Council of Juvenile and Family Court Judges and the National Association of Counsel for Children, provides both a statewide overview of factors impacting parents' attorney performance as well as an in-depth analysis of four counties: Denver County, El Paso County, Teller County and Weld County. Based on the recommendations of the RPC Task Force, the Colorado State Administrator's Office is developing a three year strategic plan to address: (1) training; (2) exploration of compensation models (alternatives to the flat fee payment model); (3) technical support and assistance (through the creation of a quarterly newsletter); (4) outreach and communication to attorneys; and (5) improved oversight of attorneys.

Colorado's Respondent Parent Task Force website:

http://www.courts.state.co.us/Courts/Supreme_Court/Committees/rptf.cfm

GEORGIA

Georgia's Supreme Court Committee on Justice for Children has contracted with the Georgia Public Defender Standards Council ("GPDSC") with the goal of improving parent representation and organizing parent attorneys. GPDSC formed a Parent Attorney Advocacy Committee ("PAAC") made up of parents' attorneys and public defenders representing parents. PAAC

meets monthly and serves as a network of support for parents' attorneys to share information and practice experiences. PAAC is doing the following work to improve representation for parents:

- identifying issues that limit justice for parents and working collaboratively with judges, state attorney generals, the child welfare agency offices and legislators to improve justice for families;
- reviewing upcoming child welfare legislation and participating in the upcoming legislative session;
- recognizing and endorsing successful parent representation models throughout Georgia;
- collaborating with the Carl Vinson Institute of Government to complete a statewide parent attorney assessment; and
- drafting a parent attorney trial manual.

GPDSC is also working to improve representation for parents by hosting parent attorney trainings and providing scholarship money for parents to attend national child welfare conferences. GPDSC has developed performance standards for attorneys representing parents in child welfare proceedings. The standards have been distributed to parents' attorneys throughout the state and are a core part of the training curriculum for parents' attorneys. GPDSC has created a listserv and website for parents' attorneys and is working with the Carl Vinson Institute of Government to provide parents' attorneys with access to social workers for phone or email advice regarding case plans and services for clients.

Georgia's parents' attorney website: www.parentattorney.org

LOUISIANA

Louisiana's Court Improvement Project has collaborated with the Task Force on Legal Representation in Child Protection Cases has put forth performance standards for attorneys representing indigent parents in child welfare cases. As of 2007 the performance standards were being considered for possible implementation on an administrative basis by the Louisiana Public Defender Board. In November 2007, the Court Improvement Project cosponsored, with the Louisiana Public Defender Board, the first practice seminar for attorneys representing parents in child welfare cases. The National Resource Center on Legal and Judicial Issues and the National

Project to Improve Representation for Parents Involved in the Child Welfare System provided technical assistance for the seminar.

VERMONT

The Legal Representation Subcommittee of the Justice for Children Task Force of the Vermont Court Improvement Project has been discussing strategies for supporting and improving representation for parents in dependency proceedings. In June 2008 the Subcommittee surveyed prosecutors, children's attorneys, and parents' attorneys about what would improve legal representation for parents. The Subcommittee is reviewing the survey information and identifying the next steps to take to improve parent representation throughout the state.

STATE PROGRAM FOR CHILD REPRESENTATION THAT CAN BE REPLICATED FOR PARENT REPRESENTATION

Colorado's Office of Child's Representative (OCR) is a state agency that administers the child representation program in Colorado. The OCR was established with the passage of HB00-1371, and became fully operational in July 2001. The OCR is responsible for enhancing the legal representation of children, establishing fair and realistic rates of compensation for attorney services, setting minimum practice and training standards, and working collaboratively with the state CASA. In Colorado, GALs are appointed in all Dependency and Neglect cases. The court has discretion to appoint GALs in delinquency, paternity, probate, domestic relations and other case types. The standards are set forth in Chief Justice Directive 04-06, and include appointment authority for GALs, guidelines for payment, and the duties and expectations of GALs.

The OCR conducts an annual review of the "competency and quality of attorney services as well as the validity of any concerns." Attorneys annually apply to OCR and each application is individually reviewed. The annual review includes distributing surveys to all CASA agencies, court facilitators, administrators, and judicial officers, and conducting visits to each judicial district. During visits, the OCR staff meet with attorneys under contract, interview new applicants, and interview court personnel, Judicial Officers, and CASA directors. Annually, a list of attorneys eligible for appointment is compiled and distributed to each judicial district. In addition to effectively monitoring the quality of representation, the annual process helps OCR

address systemic needs in each district and statewide issues which might involve other agencies, appropriations, Rules of Court, and legislation.

The OCR also administers a staff model office in the 4th Judicial District. The El Paso County Office of the Guardian ad Litem is staffed with attorneys, case managers, social workers and support staff.

OCR website: <http://www.coloradochildrep.org/>

LAW SCHOOL CLINICS FOCUSED ON PARENT REPRESENTATION

The University of Michigan Law School Child Advocacy Law Clinic provides in-court training and class room learning to law students interested in a future career in child advocacy. Clinic students get the opportunity to represent children, parents and the county agency in active child welfare cases. Students work under the supervision of professors and get the opportunity to work with specialists from related fields – psychology, social work, and pediatric medicine.

University of Michigan Law School Child Advocacy Law Clinic website:

<http://www.law.umich.edu/centersandprograms/ccl/Pages/default.aspx>

New York University School of Law Family Defense Clinic provides students with an in-depth view of child welfare policy and practice. Students work to prevent the unnecessary break-up of poor families and assist those families who are separated in reuniting. Students represent parents, relatives and foster parents in child welfare proceedings and work on projects designed to improve the foster care system and family court system to better serve families. Clinic students work in a team with social work students on behalf of the families they represent. Students also have the opportunity to help families clear their name from the child abuse registry. Students gain valuable court room experience and also spend significant time outside of court working with their clients.

New York University School of Law Family Defense Clinic website:

http://www.law.nyu.edu/academics/clinics/semester/familydefense/ECM_DL_V_004775

The University of the District of Columbia, David A. Clarke School of Law, through the HIV/AIDS law clinic provides students with the opportunity to represent parents and guardians in child welfare proceedings in Washington D.C. Students represent parents and/or guardians in all stages of the child welfare case. Through class-work, time spent with clients, and hands-on experience in the D.C. child welfare courts students see first-hand the struggles faced by parents in the child welfare system. In the classroom students learn the relevant child welfare laws. Through their court room experience students learn how to advocate for clients in court and gain insight into the child welfare system and how the laws are applied/or not applied in court. Additionally, the Family Court in Washington, D.C., gave a Court Improvement Project grant to the law school in the amount of \$75,000 to fund a clinic that represents parents. The clinic has been operating for a year. In that year, more than 60% of the children of clinic clients have been returned home without a finding of abuse or neglect. Most of these prompt reunifications were the result of the agency dismissing its own case for lack of evidence after clinic students conducted thorough independent fact investigations and were able to persuade the agency that the cases were without merit. In one case, a child was returned home to his mother, after three months out of her care, after a trial in which the clinic students defeated the agency's efforts to prove the child was abused and neglected.

University of the District of Columbia, David A. Clarke School of Law: HIV/AIDS Legal Clinic website: <http://www.law.udc.edu/?page=HIVClinic>